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EXAMINER	
BHATIA, AJAY M	

ART UNIT	PAPER NUMBER
2145	

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/881,129	TONOUCHI, TOSHIO	
	Examiner	Art Unit	
	Ajay M Bhatia	2145	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *10 February 2005*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-20* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

1. Claims 1-2, 8-11 and 17-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Malik (U.S. Patent 6,584,097) in view of March et al. (U.S. Patent 6,459,783 referred to as March).

2. For claim 1, Malik teaches, a system of reserving a connecting service to the internet at a time period, comprising: (see Malik, see abstract)

a reservation table in which a state with regard to a reservation for a connecting service to the internet at a time period is stored; and (see Malik, see abstract, Col. 9 lines 4-14 and Col. 6 lines 39-65)

a contract unit for receiving an internet access request for a current time period from a user and judging whether said user reserved the current time period, by a prior reservation request, stored in said reservation table, wherein if it is judged that said Internet access request is not permitted,

such that a reservation request can be made by the user. (see Malik, abstract, figure 4, Col. 9 lines 4-14, Col. 10 lines 23-45 and alternative embodiment in Col. 11 lines 5-16)

Malik fails to clearly disclose, the contract unit automatically rerouted the user to an ISP LAN using an edge router.

March teaches, the contract unit automatically rerouted the user to an ISP LAN using an edge router (see March, col. 5 lines 18-42, edge router inherent because of the changing between different IP gateways)

It would have been obvious to on of ordinary skill in the art at the time of the invention was made to combine the internet reservation system of Malik with the user redirection method of March, since both invention are in analogous art of proving ISP service over a telephone. (see Malik, Col. 1 lines 13-30) and (see March, Col. 1 lines 18-25 and Col. 1 lines 44-55)

3. For claim 2, Malik-March teaches, the system of reserving a connecting service to the internet at a time period according to claim 1, wherein said contract unit permits said reservation request when the number of users connecting to the internet at a same time as said time period included in said reservation request is smaller than or equal to a predetermined value. (see Malik, see figure 4)

4. For claim 8, Malik-March teaches, the system of reserving a connecting service to the internet at a time period according to claim 1, further comprising:

a penalty data storing unit storing a penalty data to determine a penalty if said user cancels said reservation, and (see Malik, see Col. 9 lines 31-42)

wherein said contract unit gives said user a penalty information showing said penalty based on said penalty data. (see Malik, see Col. 9 lines 31-42 and 21-23)

5. For claim 9, Malik-March teaches, the system of reserving a connecting service to the internet at a time period according to claim 8, wherein said penalty is determined based on a remaining period until a starting time of a time period, included in said permitted reserving demand, at which said user wants said connecting service to the internet, as said penalty data. (see Malik, see abstract, Col. 9 lines 33-42)

For claim 10, Malik-March teaches, a method of reserving a connecting service to the internet at a time period, comprising:

receiving an internet access request form a user for a current time period investigating a reservation stat of the current time period from a reservation table; judging whether said current time period has been reserved based upon said investigation determining if a reservation corresponds to said user by matching an user Id corresponding with said user with a identification key on said reservation table; and (see Malik, abstract, figure

4, Col. 3 lines 15-23, Col. 6 lines 39-65, Col. 9 lines 4-14, Col. 10 lines 23-45 and alternative embodiment in Col. 11 lines 5-16)

rerouting the user to an ISP LAN using an edge router such tat a reservation request can be made by the user if said reservation does not match the user. (see March, col. 5 lines 18-42, edge router inherent because of the changing between different IP gateways)

The same motivation that was utilized in the rejection of claim 1, applies equally as well to claim 10.

6. For claim 11, Malik-March teaches, the method of reserving a connecting service to the internet at a time period according to claim 10, wherein said reserving demand is permitted when the number of users connecting to the internet at a same time as said time period included in said reserving demand is smaller than or equal to a predetermined value. (see Malik, see abstract, Col. 6 lines 26-65 and Col. 9 lines 4-14)

7. For claim 17, Malik-March teaches, the method of reserving a connecting service to the internet at a time period according to claim 10, further comprising:

storing a penalty data to determine a penalty if said user cancels said reservation; and (see Malik, see abstract, Col. 9 lines 33-42)

giving said user a penalty information showing said penalty based on said penalty data. (see Malik, see abstract, Col. 9 lines 33-42)

8. For claim 18, Malik-March teaches, the method of reserving a connecting service to the internet at a time period according to claim 17, wherein said penalty is determined based on a remaining period until a starting time of a time period, included in said permitted reserving demand, at which said user wants said connecting service to the internet, as said penalty data.
(see Malik, see abstract, Col. 9 lines 33-42)

9. For claim 19, Malik-March teaches, a contract server to reserve a connecting service to the internet at a time period, comprising:

A judging unit for receiving a Internet access request for a current time period from a user and judging whether said user reserved the current time period, by a prior reservation request store in said reservation table, wherein if it is judged that said Internet access request is not permitted the contract unit automatically rerouted the user to an ISP LAN using an edge router such that a reservation request can be made by the user, and (see Malik, abstract, figure 4, Col. 9 lines 4-14, Col. 10 lines 23-45 and alternative embodiment in Col. 11 lines 5-16) and (see March, col. 5 lines 18-42, edge router inherent because of the changing between different IP gateways)

an input unit inputting a reserving request to reserve a connecting service to the internet at a certain time period from a user; and (see Malik, see abstract, Col. 3 lines 15-23)

The same motivation that was utilized in the rejection of claim 1, applies equally as well to claim 19.

10. For claim 20, Malik-March teaches, the contract server according to claim 19, wherein said contract server permits said reservation request when the number of users connecting to the internet at the same time as said time period at which said user wants said connecting service in said reservation request is smaller than or equal to a predetermined value. (see Malik, see abstract, Col. 3 lines 15-23 and Col. 4 lines 59-67)

11. Claims 3-7, and 12-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Malik-March as applied to claims 1-2, 8-11 and 17-20 above, and further in view of Yeh (U.S. Patent 6,690,929).

12. For claim 3, Malik-March teaches, a system of reserving a connecting service to the internet at a time period, comprising:

a reservation table in which a state with regard to a reservation for a connecting service to the internet at a time period is stored; and

a contract unit inputting a reserving demand to reserve said connecting service to the internet at a certain time period from a user to judge whether said reserving demand is permitted with reference to said reservation table.

Malik-March fails to teach, the system of reserving a connecting service to the internet at a time period according to claim 1, further comprising:

a discount data storing unit storing a discount data to determine an accounting fee for said connecting service for a time period, and

wherein said contract unit finds out a discountable time period with respect to said accounting fee of said connecting service with reference to said reservation table and said discount data to give a user a discount frame data showing said discountable time period and said accounting fee of said discountable time period.

Yeh teaches, the system of reserving a connecting service to the internet at a time period according to claim 1, further comprising:

a discount data storing unit storing a discount data to determine an accounting fee for said connecting service for a time period, and (see Yeh, Col. 2 lines 40-46)

wherein said contract unit finds out a discountable time period with respect to said accounting fee of said connecting service with reference to said reservation table and said discount data to give a user a discount frame data showing said discountable time period and said accounting fee of said discountable time period. (see Yeh, Col. 2 lines 33-45)

It would be obvious to one of ordinary skill at the time of the invention to combine the system of Malik-March and the method of Yeh, because the adaptation of a wireless system to a wire system is commonly know in the art additionally by allowing the charging based on Qos (Quality of service) will also increase the capacity of the internet service that provided by reducing the amount of bandwidth per a user. (see Yeh, Col. 1 lines 33-45)

13. For claim 4, Malik-March-Yeh teaches, the system of reserving a connecting service to the internet at a time period according to claim 3, wherein said accounting fee is determined based on a remaining period before a starting time of a time period at which said user wants said connecting service to the internet, as said discount data. (see Yeh, Col. 2 lines 32-37), The same motivation that was utilized in the rejection of claim 3, applies equally as well to claim 4.

14. For claim 5, Malik-March-Yeh teaches, the system of reserving a connecting service to the internet at a time period according to claim 3, wherein said accounting fee

is determined based upon a utilization level of a time period for said reservation, as said discount data. (see Yeh, Col. 1 line 64 to Col. 2 line 8) , The same motivation that was utilized in the rejection of claim 3, applies equally as well to claim 5.

15. For claim 6, Malik-March-Yeh teaches, the system of reserving a connecting service to the internet at a time period according to claim 3, wherein said accounting fee is determined based on a condition of a day of a time period at which said user wants said connecting service to the internet, of the week, as said discount data. (see Yeh, Col. 1 lines 33-45) , The same motivation that was utilized in the rejection of claim 3, applies equally as well to claim 6.

16. For claim 7, Malik-March-Yeh teaches, the system of reserving a connecting service to the internet at a time period according to claim 4, wherein said accounting fee is determined such that a discount rate of said accounting fee is defined as being higher, the shorter the remaining period and the smaller the number of said reservations. (see Yeh, Col. 1 lines 33-44) , The same motivation that was utilized in the rejection of claim 3 and 4, applies equally as well to claim 7.

17. For claim 12, Malik-March-Yeh teaches, a method of reserving a connecting service to the internet at a time period according to claim 10, comprising:

storing a discount data to determine an accounting fee for said connecting service for a time period; (see Yeh, Col. 2 lines 40-47)

finding out a discountable time period with respect to said accounting fee of said connecting service based on said reservation data and said discount data; and (see Yeh, Col. 2 lines 40-47)

giving a user a discount frame data showing said discountable time period and said accounting fee of said discountable time period. (see Yeh, Col. 1 lines 52-59)

The same motivation that was utilized in the rejection of claim 3, applies equally as well to claim 12.

18. For claim 13, Malik-March-Yeh teaches, the method of reserving a connecting service to the internet at a time period according to claim 12, wherein said accounting fee is determined based on a remaining period until a starting time of a time period at which said user wants said connecting service to the internet, as said discount data. (see Yeh, Col. 1 lines 33-45 and Col.2 lines 40-47), The same motivation that was utilized in the rejection of claim 3, applies equally as well to claim 13.

19. For claim 14, Malik-March-Yeh teaches, the method of reserving a connecting service to the internet at a time period according to claim 12, wherein said accounting

fee is determined based on said state of said reservation, as said discount data. (see Yeh, Col. 1 line 54 to Col. 2 line 8) , The same motivation that was utilized in the rejection of claim 3, applies equally as well to claim 14.

20. For claim 15, Malik-March-Yeh teaches, the method of reserving a connecting service to the internet at a time period according to claim 12, wherein said accounting fee is determined based on a condition of a day of a time period at which said user wants said connecting service to the internet, of the week, as said discount data. (see Yeh, Col. 1 lines 33-45) , The same motivation that was utilized in the rejection of claim 3, applies equally as well to claim 15.

21. For claim 16, Malik-March-Yeh teaches, the method of reserving a connecting service to the internet at a time period according to claim 13, wherein said accounting fee is determined such that a discount rate of said accounting fee is defined as being higher, the shorter the remaining period and the smaller the number of said reservations. (see Yeh, Col. 2 lines 40-47) , The same motivation that was utilized in the rejection of claim 3, applies equally as well to claim 16.

Response to Arguments

Applicant's arguments with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ajay M Bhatia whose telephone number is (571)-272-3906. The examiner can normally be reached on M-F 8:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Valencia M Wallace can be reached on (571)-272-6159. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AB

Patrice Winder

PATRICE WINDER
PRIMARY EXAMINER